

IN THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Claims 1-4 have been amended and claims 5-7 have been added as follows:

Listing of Claims:

Claim 1 (currently amended): A contents reproducing apparatus [[with]] having a contents receiving function and a telephone function, comprising:

~~an outputting means for outputting an incoming signal in response to an incoming from an opponent party, and~~

a call detecting means for detecting reception of a calling instruction of a telephone;

a first determining means for determining whether or not a pay content is being received now when said call detecting means detects the reception of said calling instruction;

a mode switching means for switching to a telephone mode when it is determined that said pay content is not being received by said first determining means; and

a disabling means for disabling said outputting means during reproducing a pay content a mode switch by said mode switching means when it is determined that said pay content is being received by said first determining means.

Claim 2 (currently amended): A contents reproducing apparatus according to claim 1, further comprising a returning means for returning a busy signal to said opponent party in response to the incoming from said opponent party during reproducing said pay content wherein said disabling means includes a busy processing means to execute a busy process for informing an opponent party

of being under communication when it is determined that said pay content is being received by said first determining means.

Claim 3 (currently amended): A contents reproducing apparatus according to claim 1, further comprising

~~a send-back means for sending back a record guide message to said opponent party in response to the incoming from said opponent party during reproducing said pay content, and~~

~~a recording means for recording a receiving speech from said opponent party in response to said record guide message claim 5, wherein said answering telephone processing means includes a returning means for returning a record guide message to the opponent party, and a recording means for recording a sending speech of said opponent party in response to said record guide message.~~

Claim 4 (currently amended): A contents reproducing apparatus according to any one of claims 1 to 3, further comprising

~~a receiving means for receiving said pay content, and~~

~~a reproducing means for reproducing in a real time manner the pay content received by said receiving means claim 1, further comprising a reproducing means for reproducing in a real time manner the pay content being received.~~

Claim 5 (new): A contents reproducing apparatus according to claim 1, wherein said disabling means includes a second determining means for determining whether or not an answering telephone function is set when it is determined that said pay content is being received by said first determining means, and a answering telephone processing means for executing an answering telephone process when it is determined that said answering telephone function is set by said second

determining means.

Claim 6 (new): A contents reproducing apparatus according to claim 3, wherein said disabling means includes an uncommunicable means for executing an uncommunicable process to inform the opponent party of being in an uncommunicable state when it is determined that said answering telephone function is not set by said second determining means.

Claim 7 (new): A contents reproducing apparatus according to claim 1, wherein said pay content receiving function is an Internet radio receiving function, and said telephone function is an IP telephone function.